

HOUSE BILL 3306
By Ramsey

AN ACT to repeal Chapter 496 of the Private Acts of 1929; as amended by Chapter 392 of the Private Acts of 1931; Chapter 407 of the Private Acts of 1933; Chapter 55 of the Private Acts of 1949; Chapter 245 of the Private Acts of 1980 and Chapter 153 of the Private Acts of 1983, and any other acts amendatory thereto, being the charter of the town of Bluff City, and to enact a new charter for the town of Bluff City.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Chapter 496 of the Private Acts of 1929; as amended by Chapter 392 of the Private Acts of 1931; Chapter 407 of the Private Acts of 1933; Chapter 55 of the Private Acts of 1949; Chapter 245 of the Private Acts of 1980 and Chapter 153 of the Private Acts of 1983, and any other acts amendatory thereto, being the charter of the town of Bluff City, are hereby repealed and Section 2 of this act shall become the new charter for the town of Bluff City.

SECTION 2.

ARTICLE I

CORPORATE NAME: BOUNDARIES AND GENERAL POWERS

Section 1. Corporate name; boundaries. The inhabitants of Sullivan County, Tennessee, within the corporate limits and boundaries of the town of Bluff City, Tennessee, described by section 1 of article 1 of Chapter 496 of the Private Acts of 1929, which is incorporated by reference as if fully set out herein, and any ordinances of annexation passed by the city following the enactment of Chapter 496 of the Private Acts of 1929, shall be a body politic and

corporate by the name of the town of Bluff City, Tennessee, and as such shall have perpetual succession, and shall have all the legal rights and obligations of municipalities in Tennessee.

Section 2. General powers enumerated. The town of Bluff City shall have the following general enumerated powers:

(1) To assess, levy and collect taxes for all general and special purposes on all subjects or objects of taxation, and privileges taxable by law for state, county, or municipal purposes.

(2) To adopt such classifications of the subjects and objects of taxation that are not contrary to law.

(3) To make special assessments for local improvements.

(4) To contract and be contracted with.

(5) To incur debts by borrowing money in the manner prescribed by law.

(6) To issue and give, sell, pledge or in any manner dispose of, negotiable or non-interest-bearing bonds, warrants, promissory notes or orders of the town, upon the credit of the town, or solely upon the credit of specific property owned by the town or solely upon the credit of income derived from any property used in connection with any public utility owned or operated by the town, and solely upon the credit of the proceeds of special assessments for local improvements, or upon any two (2) or more such credits.

(7) To expend the money of the town for all lawful purposes.

(8) To acquire or receive and hold, maintain, improve, sell, lease, mortgage, pledge or otherwise dispose of property, real or personal, and any estate or interest therein within or without the town or state.

(9) To condemn property, real or personal, or any easement, interest, or estate or use therein, either within or without the town, for present or future public use, in accordance with Tennessee Code Annotated, Title 29, Chapter 16, or in any other manner prescribed by law.

(10) To take and hold property within or without the town or state upon trust; and to administer trusts, for the public benefit.

(11) To acquire, construct, own, operate and maintain or sell, lease, mortgage, pledge, or otherwise dispose of public utilities or any estate or interest therein, or any other utility or service to the town, its inhabitants, or any part thereof; and may issue debt for these purposes under the Local Government Public Obligations Act in Tennessee Code Annotated, Title 9, Chapter 21, or in any other manner prescribed by law.

(12) To grant to any person, firm, association or corporation franchises for public utilities and public services to be furnished the town and those therein. Such power to grant franchises shall embrace the power to grant exclusive franchises. Whenever an exclusive franchise is granted, it shall be exclusive not only against any other person, firm, association or corporation, but also against the town itself. Franchises may be granted for the period of twenty-five (25) years or less. The board of mayor and aldermen may prescribe in each grant of a franchise, the rates, fares, charges and regulations that may be made by the grantee of the franchise in accordance with federal and state law. Franchises may by their terms apply to the territory within the corporate limits of the town at the date of the franchises, and as the corporate limits may be enlarged, and to the existing streets, alleys and thoroughfares that thereafter may be opened.

(13) To make contracts with any person, firm, association, or corporation for public utilities and public services to be furnished the town and those therein. The power to make contracts shall embrace the power to make exclusive contracts. When an exclusive contract is entered into, it shall be exclusive not only against any other person, firm, association, or corporation, but also against the town itself. Such contracts may be entered into for the period of twenty-five (25) years, but not longer. The board of mayor and aldermen may prescribe in each such contract entered into, the rates, fares, charges and regulations that may be made by the firm, person, association or corporation with whom the contract is made. Such contracts may by their terms apply to the territory within the corporate limits of the town at the date of the contract, and as the corporate limits thereafter may be enlarged; and to the then existing

streets, alleys and other thoroughfares and to any other streets, alleys and other thoroughfares that thereafter may be opened.

(14) To prescribe reasonable regulations regarding the construction, maintenance, equipment, operation and services of public utilities, and from time to time compel the reasonable extensions of facilities for such services, but nothing herein shall be construed to permit the alteration or impairment of any of the terms or provisions of any exclusive franchise or contract granted under subsections (12) or (13).

(15) To establish, open, relocate, vacate, alter, widen, extend, grade, improve, repair, construct, reconstruct, maintain, light, sprinkle and clean public highways, streets, boulevards, parkways, sidewalks, alleys, parks, public grounds and squares, wharves, bridges, viaducts, subways, tunnels, sewers and drains, within or without the corporate limits, and to regulate their use within the corporate limits, and property may be taken and appropriated therefor under the provisions of Tennessee Code Annotated, Sections 7-31-107 through 7-31-111 and 29-16-114, or any other manner prescribed by law.

(16) To construct, improve, reconstruct and reimprove by opening, extending, widening, grading, curbing, guttering, paving, graveling, macadamizing, draining or otherwise improving any streets, highways, avenues, alleys, or other public places within the corporate limits, and to assess a portion of the cost of such improvements upon the property abutting upon or adjacent to such streets, highways or alleys as prescribed by Tennessee Code Annotated, Title 7, Chapters 32 and 33.

(17) To assess against abutting property within the corporate limits a portion of the cost of planting shade trees, removing from sidewalks all accumulations of snow, ice and earth, cutting and removing obnoxious weeds and rubbish, street lighting, street sweeping, street sprinkling, street flushing, and street oiling, the removal and disposal of garbage and refuse, the cleaning and rendering sanitary of closets and privies, as provided by general law or by ordinance of the board.

(18) To acquire, provide for, construct, regulate and maintain and do all things relating to all kinds of public buildings, structures, marketplaces, works and improvements.

(19) To collect and dispose of drainage, sewerage, offal, ashes, garbage, and refuse, and the cost of collection, regulation and disposal may be ended by taxation, special assessment to the property owner, user fees, or other charges.

(20) To license and regulate all persons, firms, corporations, companies and associations engaged in any business, occupation, calling, profession or trade not forbidden by law.

(21) To impose a license tax upon any animal, thing, business, vocation, pursuit, privilege or calling, not prohibited by law.

(22) To define and prohibit, abate, suppress, prevent, and regulate all acts, practices, conduct, businesses, occupations, callings, trades, uses of property and all other things whatsoever detrimental, or liable to be detrimental, to the health, morals, comfort, safety, convenience, or welfare of the inhabitants of the town, and to exercise general police powers.

(23) To prescribe limits within which business occupations and practices liable to be nuisances or detrimental to the health, morals, security or general welfare of the people may lawfully be established, conducted or maintained.

(24) To regulate the location, bulk, occupancy, area, lot, location, height, construction and materials of all buildings and structures, and to inspect all buildings, lands and places as to their condition for health, cleanliness, and safety, and when necessary, to prevent the use thereof and require any alterations or changes necessary to make them healthful, clean or safe.

(25) To provide and maintain charitable, educational, recreative, curative, corrective, detentive or penal institutions, departments, functions, facilities, instrumentalities, conveniences and services.

(26) To purchase or construct, maintain and establish facilities for the confinement and detention of persons convicted in the town court of offenses against the laws and ordinances of

the city and who fail to secure the civil penalties imposed upon them, or to contract with Sullivan County to keep such persons in the workhouse of the county until such civil penalties are fully paid.

(27)(A) To enforce any ordinance by means of civil penalties, forfeitures, and other penalties, and by other actions or proceedings in any court of competent jurisdiction, or by any one (1) or more of such means.

(B) No civil penalty or forfeiture shall exceed the amount prescribed by general state law for civil penalties or forfeitures in municipal courts.

(28) To regulate, tax, license or suppress the keeping or going at large of animals within the town, impound them, and in default of redemption, sell or kill them.

(29) To have and exercise all powers which now or hereafter it would be competent for this charter specifically to enumerate, as fully and completely as though the powers were specifically enumerated herein.

Section 3. Enumeration of powers not exclusive. The enumeration of particular powers in this charter is not exclusive of others, nor restrictive of general words or phrases granting powers, nor shall a grant or failure to grant power in this article impair a power granted in any other part of this charter; and whether powers, objects or purposes are expressed conjunctively or disjunctively, they shall be construed so as to permit the town to exercise freely any one or more such powers as to any one or more such objects for any one or more such purposes.

ARTICLE II

ELECTIONS

Section 1. Date of general town elections. The date of general town elections shall be the first Saturday in June of every odd-numbered year.

Section 2. Elections to be conducted under general election law of state. The board of election commissioners for Sullivan County shall call and conduct town elections in accordance with the general election laws of the state.

Section 3. Qualifications of voters. All bona fide residents of the town who are qualified to vote for members of the Tennessee General Assembly, and who are also registered to vote in town elections, shall be entitled to vote in all town elections.

ARTICLE III

BOARD OF MAYOR AND ALDERMEN

Section 1. Election, number, and terms of mayor and aldermen. The board of mayor and aldermen of the town shall consist of a mayor and five (5) aldermen. Elections to fill the office of mayor and aldermen shall be held on the first Saturday in June of every odd-numbered year. The mayor and five (5) aldermen elected to two (2) year terms on the first Saturday in June, 1995, shall hold office until the expiration of their terms on the first Saturday in June, 1997, or until their successors are elected and qualified. In the town election held on the first Saturday in June, 1997: the mayor shall be elected for a term of four (4) years; the two candidates for aldermen who receive the highest number of votes shall be elected for terms of four (4) years; and the three (3) candidates for aldermen who receive the third, fourth and fifth highest number of votes shall be elected for terms of two (2) years. In every regular town election held thereafter, the mayor and/or aldermen shall be elected for terms of four (4) years. The mayor and aldermen elected hereunder shall hold office until their successors are elected and qualified.

Section 2. Qualifications of candidates for mayor and aldermen. Any qualified voter of the town shall be eligible for election to the office of mayor or alderman.

Section 3. Salaries of mayor and aldermen. The salary of the mayor shall be nine hundred dollars (\$900) per annum. The salary of each alderman shall be one hundred twenty dollars (\$120) per annum.

Section 4. Powers vested in board of mayor and aldermen. The legislative and all other powers of the town, except as otherwise provided by this charter, are delegated to the board of mayor and aldermen, and the board may, by ordinance or resolution not inconsistent

with this charter, prescribe the manner in which any powers of the town shall be exercised, provide all means necessary or proper therefor, and do all things within or without the town or state to protect the rights of the town. The board shall exercise its powers in session duly assembled, and no member or group of members thereof shall exercise or attempt to exercise the powers conferred upon the board except through proceedings at a regular or called meeting of the board.

Section 5. Regular and special called meetings of the board. The board of mayor and aldermen shall, by ordinance, fix the time and place at which the regular meetings of the board shall be held. Until otherwise provided by ordinance the regular meetings of the board shall be held at seven o'clock P.M. (Eastern Standard Time) on the first and third Thursdays of each month.

Whenever, in the opinion of the mayor or three aldermen, the welfare of the town demands it, the mayor shall call special meetings of the board of mayor and aldermen. Special meetings shall be preceded by at least twelve (12) hours written notice of the meeting given to each alderman and to the mayor, served personally upon them or left at their usual place of residence. Each call for a special meeting shall set forth the character of the business to be discussed at such meeting and no other business shall be considered at such meeting.

Section 6. Vacancies in the office of alderman. Any vacancy in the office of alderman shall be filled by the remaining members of the board for the unexpired portion of the term. If there are two (2) or more vacancies, the remaining members of the board shall fill one (1) vacancy. The board constituted after the appointment to fill the first vacancy shall fill the second vacancy. The same process shall be used to fill any number of vacancies beyond two (2).

Section 7. Vice-mayor vacancy in office of mayor. At the first meeting of the board following the general town election in June, or as soon thereafter as possible, the board shall choose from its membership a vice-mayor to serve as mayor in the mayor's absence or disability. Any vacancy in the office of mayor shall be filled by the vice-mayor. Provided,

however, if the vice-mayor declines to fill the vacant office of mayor, the board may select another of its members to fill the vacancy. In either case, the person appointed to fill the vacant office of mayor shall be appointed for the unexpired portion of the mayor's term.

Section 8. Quorum and votes; record of meetings. A majority of all the members of the board shall constitute a quorum, but a smaller number may adjourn from day to day and may compel the attendance of the absentees in such manner and under such penalties as the board may prescribe. Except as otherwise provided in this charter, all questions and actions by the board shall require a vote of at least a majority of the total membership of the board. The board shall have minutes kept of its proceedings, and a record of questions voted on by the board, and the yeas and nays of its members on those questions, shall be entered therein.

Section 9. Rules; investigative and punitive powers. The board may, subject to any limitation in this charter, adopt rules governing its proceedings, including rules for the punishment of its own members and for the removal of spectators, for conduct detrimental to the good order of the proceedings. It shall have power, and may delegate it to any of its committees, to subpoena witnesses, to order the production of books and papers relating to any subject within its jurisdiction, and to call upon its own officer or the chief of police to execute its process. The presiding officer or the chairman of any committee may administer oaths to witnesses.

Section 10. Removal of mayor or aldermen. The mayor and aldermen may be removed from office by the board for a crime or misdemeanor involving moral turpitude, or for grave private or public misconduct showing unfitness for public duty, upon the unanimous vote of all the other members of the board. The proceedings for removal shall be upon specific charges in writing, which shall be served on the accused, either personally or at the last known place of residence in the town. The notice shall include a statement of a time and place for a hearing by the board on the charges, which shall be a reasonable time from the date of the service of the notice. The hearing shall be a public hearing, and the accused shall have the right to appear

and defend himself in person and by counsel, and have process of the board to compel the attendance of witnesses in his or her behalf. Immediately upon the vote for removal, the term of the accused shall expire and the official status, power and authority shall cease without further action of the board. Any person removed hereunder shall have the right to appeal to the courts of competent jurisdiction.

Section 11. Recall. The mayor and any member or members of the board of mayor and aldermen may be removed from office in the following manner: a petition, signed by the registered voters of the town of Bluff City equal to at least sixty-six and two-thirds percent (66 2/3%) of the total number of votes cast in the last regular town election, demanding the recall of the officer sought to be removed, shall be filed with the county election commission. A separate petition shall be filed for each officer sought to be removed. The petition shall contain one (1) or more specific reasons for the official's removal, including the time, place and manner of what the official did or failed or refused to do that supports the reason or reasons for removal. Each signer shall sign his or her name, domicile address by street number and name or other customary designation. At the end of every page of the petition there shall be attached a sworn affidavit by the circulator stating the number of signers on the page, that each signature on the page is a genuine signature of the person it purports to be, and that it was made in the presence of the affiant. The petition shall be canvassed by the county election commission, which shall determine the technical sufficiency of the petition and certify that it is, or is not, technically sufficient. "Technically sufficient" within the meaning of this section shall apply only to the formalities prescribed for the petition by this section; "Technically sufficient" does not apply to the sufficiency of the reasons for the recall contained in the petition or to the sufficiency of the time, place and manner information supporting the reason or reasons for the removal of the officer. If the petition is technically insufficient, the persons filing it shall have thirty (30) days to correct any deficiencies, including obtaining additional legitimate signatures. If within that thirty (30) days the deficiencies are not corrected, the election commission shall declare the

petition void. If the original or corrected petition is sufficient the election commission shall fix a date for a recall election. The person sought to be recalled shall automatically vacate the office upon the election commission's certificate that a majority of those voting in the recall election voted in favor of removal.

ARTICLE IV

ORDINANCES

Section 1. Required ordaining clause. All ordinances shall begin, "Be it ordained by the town of Bluff City, as follows."

Section 2. Number of readings; emergency ordinances; amendment. An ordinance shall be read two (2) different days in open session before adoption, and not less than one (1) week shall elapse between the first and second readings. An ordinance shall not take effect until ten (10) days after publication, or the publication of the caption, in a newspaper of general circulation in the town, after final passage. Provided, however, an emergency ordinance may be passed on one (1) reading and shall become effective immediately upon passage and shall require no publication. An emergency ordinance shall contain a statement that an emergency exists and shall specify with distinctness the facts and reasons constituting such an emergency. A vote of not less than four (4) aye votes of the members of the board shall be required to pass an emergency ordinance. No ordinance making a grant, renewal, or extension of a franchise or other special privilege, or regulating the rate to be charged for its service by any public utility shall ever be passed as an emergency ordinance.

ARTICLE V

MAYOR

Section 1. Duties and powers. The mayor shall preside at meetings of the board of mayor and aldermen; if the mayor is absent the vice-mayor shall preside. The mayor shall have the right to introduce ordinances and resolutions, shall have a voice, shall vote only in

case of a tie and shall have veto power. The mayor's veto can be overridden by a majority vote of the board. The mayor shall sign the town's ordinances and resolutions, and execute all deeds and contracts made in the name of the town and all other documents of the town requiring the signature of the town's chief executive officer. Provided, however, if the mayor for any reason fails or refuses to sign any such document, the failure or refusal shall not invalidate the document, and the board shall appoint the vice-mayor or one of its other members to sign it in the name of the city. The mayor shall have no power to make deeds, bonds, or contracts, except as authorized by the board. The mayor shall also have the power to preside over the town court to the extent prescribed by Article VIII of this charter.

Section 2. To perform required acts. The mayor shall have the duty and power to perform all acts that may be required by any ordinance enacted by the board that does not conflict with any of the provisions of this charter.

Section 3. Legal process. All legal process against the town shall be served upon the mayor, and it is the mayor's duty to immediately notify the board of the service and nature of the process.

ARTICLE VI

OFFICERS AND EMPLOYEES

Section 1. Appointment, salaries, and removal of officers; mayor to act in absence of other officers. The board of mayor and aldermen shall have the power to temporarily or permanently appoint a town manager, town recorder, chief of police, and town attorney, and by ordinance to authorize the establishment of such other officers, employees and agents of the town it deems necessary. The board shall also have the power to fix the compensation of all officers and employees of the town. The mayor shall perform the duties of the town manager, of the recorder, and of the town judge, when any such office is vacant for any reason, or during the disability of the town manager, unless the board has appointed another person to perform those duties. The town manager, town attorney, and town judge shall serve at the pleasure of the

board of mayor and aldermen. The town recorder and chief of police shall have a property right in their offices, and they may be removed by the board only for cause. Such property right shall extend beyond the term of office of the board of mayor and aldermen. The town manager shall have the power of appointment and removal of all officers and employees, except those over whom the board of mayor and aldermen are expressly given the power of appointment and removal under this charter. Provided, however, officers and employees over whom the town manager has the power of appointment and removal shall also have a property right in their offices and jobs, and they shall be removed by the town manager only for cause. That property right shall extend beyond the term of office of the board of mayor and aldermen. The removal for cause of officers and employees over which both the board and the town manager have the power of appointment and removal shall include conduct both on-duty and off-duty that is detrimental to the good order and administration of the town, or that reflects a bad light upon the town.

No officer or employee shall be removed until the person has been given written notice of specific charges, and until the person has had the opportunity for a hearing. The notice shall include notice of a time and place for the hearing. The notice shall be delivered to the officer or employee in person, or mailed to the person at his or her last known address by registered or certified United States Mail, by any authorized agent of the board or of the town manager, whichever the case may be, at least ten (10) days before the date of the hearing. If the board of mayor and aldermen have the appointment and removal power over the officer or employee, the hearing shall be before the board. If the town manager has the appointment and removal power over the officer or employee, the hearing shall be before the town manager. The hearing shall be a public hearing and the accused shall have the right to be represented by counsel, and to call witnesses in his or her behalf. Provided, however, technical requirements of pleadings and the rules of evidence shall not apply in such hearings. The decision of the board, or the town manager, whichever the case may be, shall be final except for appeals to the courts.

Section 2. Oath. Every officer, agent and employee holding a position upon an annual salary shall, before entering upon the duties, take and subscribe and file with the town recorder an oath or affirmation that the person has all the qualifications and is not subject to any of the disqualifications named in this charter for the office or employment the person is about to assume; that the person will support the Constitution of the United States and of this state and the charter and ordinances of the town, and that the person will faithfully discharge the duties of his office or employment.

Section 3. Bonds. The board of mayor and aldermen, and every officer, agent, and employee having duties embracing the receipt, disbursement, custody or handling of money shall, before entering upon the duties, execute a fidelity bond with a surety company authorized to do business in the State of Tennessee, as surety, except that bonds for five hundred dollars (\$500) or less may be given with personal surety. The bonds shall be in an amount prescribed by ordinance; provided, however, the mayor's and recorder's bond shall be not less than ten thousand dollars (\$10,000). All such bonds and their sureties shall be subject to the approval of the board.

ARTICLE VII

TOWN MANAGER

Section 1. Appointment; mayor to perform duties until manager appointed. The board of mayor and aldermen may appoint a town manager at such time that, in its judgment, the business of the town requires a town manager. If a town manager is appointed, the town manager shall be the administrative head of the municipal government under the direction and supervision of the board of mayor and aldermen. The town manager shall be appointed without regard to political belief and need not be a resident of the town or state at the time of appointment. During the absence or disability of the town manager, the board of mayor and aldermen may designate some properly qualified person to perform the functions of the town

manager. Until a town manager is appointed, all the duties prescribed in this charter for the town manager shall be performed by the mayor.

Section 2. Powers and duties. The powers and duties of the town manager shall be:

(A) To see that the laws and ordinances of the town are enforced, and to see that violation thereof are instituted in the town court.

(B) To appoint and remove all heads of departments and all subordinate officers and employees over which the town manager has the power of appointment and removal under this charter.

(C) To supervise and control the work of the recorder, chief of police, and all other officers and all departments and divisions created by this charter or which hereafter may be created by the board of mayor and aldermen.

(D) To see that all terms and conditions imposed in favor of the town or its inhabitants in any public utility or franchise, are faithfully done, kept and performed and upon knowledge or information of any violation thereof, the town manager shall call that violation to the attention of the board.

(E) To attend all meetings of the board of mayor and aldermen with the right to take part in the discussions, but to have no vote.

(F) To recommend to the board of mayor and aldermen for adoption such measures as the town manager may deem necessary or expedient.

(G) To act as budget director and to keep the board of mayor and aldermen fully advised as to the financial condition and needs of the town.

(H) To act as purchasing agent of the town and to purchase all material, supplies and equipment for the proper conduct of the town's business in accordance with the Municipal Purchasing Law contained in Tennessee Code Annotated, Title 6, Chapter 56, Part 3.

(I) To perform such other duties as may be prescribed by this charter or required by ordinance or resolution of the board of mayor and aldermen.

ARTICLE VIII

TOWN COURT

Section 1. Appointment, term and salary. The board of mayor and aldermen shall have the authority to establish qualifications for the office of town judge, and to appoint a person meeting those qualifications to that office. Any such person appointed to the office of town judge shall serve at the will and pleasure of, and receive a salary fixed by, the board. Alternatively, the board may designate the mayor or the recorder to serve as the town judge.

Section 2. Jurisdiction of town court. The town court shall have jurisdiction in and over all cases for the violation of and offenses against the laws and ordinances of the town of Bluff City.

Section 3. Fines, costs and forfeitures. The town judge shall have the power to impose civil penalties and costs for violations of municipal penal ordinances, to enforce the collection of all such civil penalties and costs imposed by him, and to enforce order in his court. No civil penalty shall exceed the amount provided by law, and the town judge may permit the defendant to pay the civil penalty and costs in installments. The town judge may remit, with or without condition, civil penalties and costs.

Section 4. Appeals. Any person dissatisfied with the judgment of the town court against him may, within ten (10) days next after judgment is rendered, appeal to the next term of the circuit court upon posting a proper appeal bond. An appeal bond in any case shall be in such sum as the town judge prescribes, not to exceed two hundred fifty dollars (\$250), and shall be conditioned that if the circuit court finds against the appellant, the fine or penalty and all costs of the trial and appeal shall be promptly paid by the defendant and/or his sureties. An appeal bond may be made in the form of a cash deposit or by any corporate surety authorized to do business in Tennessee or by two (2) private persons who individually own real property, free and clear from any lien or indebtedness of any kind, within the county. No other type bond shall be acceptable.

Section 5. Disposition of civil penalties and costs. The board of mayor and aldermen shall, by ordinance, adopt a bill of costs to be charged by the town court in all municipal ordinance violation cases heard and determined by the court. All civil penalties and costs imposed by the town court shall belong to the town and be paid into its treasury. It is the duty of the town judge to receipt and keep an accurate record of all civil penalties and costs imposed and collected by the town court, to pay the same to the town of Bluff City, and to issue a monthly report to the board of mayor and aldermen of all civil penalties and costs imposed and of all civil penalties and costs uncollected.

Section 6. Dockets to be kept. The town judge shall keep, or cause to be kept, a court docket or dockets, containing complete detailed records of all cases handled by him.

ARTICLE IX

TOWN ATTORNEY

Section 1. Appointment and salary. The town attorney shall be appointed by, and serve at the will and pleasure of, the board of mayor and aldermen. The salary shall be fixed by the board.

Section 2. Qualification. The town attorney shall be an attorney at law licensed to practice in the courts of the state.

Section 3. Duties. The town attorney shall, except as otherwise provided by the board of mayor and aldermen, direct the management of all litigation in which the town is a party including the function of prosecuting attorney in the city courts; represent the town in all legal matters and proceedings in which the town is a party or has an interest; attend all meetings of the board of mayor and aldermen; advise the board of mayor and aldermen or any of its committees, the town manager, and all the heads of departments and divisions on legal questions affecting the town's interests; and approve as to form all contracts, deeds, bonds, ordinances, resolutions and other documents to be signed in the name of, or made by or with, the town.

ARTICLE X

TOWN RECORDER

Section 1. Appointment, duties, powers. The town recorder shall be appointed by the board of mayor and aldermen, and shall receive a salary fixed by the board. The recorder shall have a seat and voice, but no vote, in the board of mayor and aldermen. The town recorder shall be head of the department of finance, and may, with the consent of the town manager, appoint such deputies as are authorized by the board. The town recorder shall, by signature, attest all instruments signed in the name of the town and all official acts of the mayor. Provided, however, the failure or refusal to attest to any document shall not invalidate the document, and the board may appoint another officer of the town to act as attestant. The recorder shall have power to administer oaths.

Section 2. To keep minutes. It is the duty of the recorder to be present at all meetings of the board of mayor and aldermen, and to keep a full and accurate record of all business transacted by the same, and to preserve that record in a manner prescribed by the board.

Section 3. Custodian of records, etc. The recorder shall have custody of and preserve in the recorder's office the city seal (if there is one), the public records, ordinances, ordinance books, minutes of the board of mayor and aldermen, contracts, bonds, title deeds, certificates and papers, all official indemnity or security bonds (except the recorder's own bond, which shall be in the custody of the mayor), and all other bonds, oaths and affirmations, and all other records, papers and documents not required by this charter or by ordinance to be deposited elsewhere. The town recorder shall register such documents by their numbers, dates and contents, as applicable, and keep an accurate and maintain a modern index of them. The recorder shall provide, and where necessary, certify copies of records, papers, and documents in his office, and charge such fees for the same as provided by ordinance.

Section 4. General supervision of fiscal affairs. The recorder as the head of the department of finance shall, under the direction and control of the town manager, exercise

general supervision over the fiscal affairs of the town, and general accounting supervision over all the town's property, assets and claims, including their disposition. The town recorder shall be the general accountant and auditor of the town, and shall have custody of all records, papers and vouchers relating to the fiscal affairs of the town. The records in the recorder's office shall show the financial operations and condition of the town and its property, assets, claims, contracts and liabilities.

Section 5. Incurring and discharging obligations. Before a payment of town funds is made or an obligation is incurred against any town appropriation, the recorder or a designated officer shall first certify that an appropriation has been made for that purpose and that there is unexpended and unencumbered in the appropriation for that purpose an amount sufficient to meet the obligation or to meet the expenditure. Provided, however, except where prohibited by law, nothing herein shall be construed to prevent the town from making contracts or authorizing or making payments for capital improvements to be financed wholly or partly by the issuance of bonds, or to prevent the making of any contract or lease providing for payments beyond the end of the fiscal year.

Section 6. Accounting records and audits. The recorder shall ensure that there is installed and maintained adequate accounting records in accordance with generally accepted principles of municipal accounting; that the same account titles are used throughout accounting records and the budget and finance statements; and that constant and comprehensive budgetary control over town funds is maintained.

Section 7. Destruction of documents, etc. The recorder may destroy any documents, books, vouchers, papers or forms pertaining to any department, board or office if the town manager and the town attorney certify that they are useless. Alternatively, town records may be destroyed according to a records retention and disposal schedule adopted by ordinance. Provided, however, any records retention and disposal system pertaining to the financial

records of the town shall be at least as restrictive as the state comptroller's standards for the retention of financial records.

Section 8. Judicial functions of recorder. The recorder shall also have the authority to preside over the town court to the extent prescribed in Article VIII of this charter.

Section 9. Recorder to perform other duties. The recorder shall also perform any other duties imposed by this charter or by ordinance.

ARTICLE XI

TAXATION AND REVENUE

Section 1. Levy and collection of taxes--general. All property and privileges within the town not exempt by general law from taxation shall be subject to taxation for municipal purposes by the town of Bluff City. The board of mayor and aldermen shall be in charge of the levy and collection of taxes within the limits prescribed by state law.

Section 2. Tax due and delinquency dates. Property taxes shall be due and payable on January 1 next following the year for which the taxes were assessed, and shall become delinquent May 1 of the same year the taxes are due and payable. Privilege taxes shall be due and payable, and delinquent, on the dates prescribed by state law.

Section 3. Collection of delinquent taxes. The board of mayor and aldermen may prescribe by ordinance the method of collection of delinquent taxes, or may authorize any officers or employees of the town to collect such taxes in any manner prescribed by state law for the collection of municipal property taxes.

ARTICLE XII

BUDGET AND APPROPRIATIONS

Section 1. Fiscal year. The fiscal year of the town shall begin on the first day of July and end on the next following last day of June.

Section 2. Annual department budgets required. The adoption of an annual budget for all departments shall be a prerequisite to the appropriation of money for municipal purposes and the levy of a property tax by the board of mayor and aldermen.

Section 3. Town manager required to submit annual budget. At least sixty (60) days before the beginning of the fiscal year the town manager, in consultation with the recorder, shall prepare and submit to the board of mayor and aldermen a budget for the ensuing fiscal year and an accompanying explanatory message. The explanatory message shall outline the proposed financial policies of the town for the ensuing fiscal year, describe the important features of the budget, indicate any major changes in the financial policies of the town, expenditures, and revenues, together with the reason for such changes. It shall also contain a summary of the town's debt position, and such other information the town manager deems desirable.

Section 4. Required content and organization of the budget. The budget shall provide a complete financial plan for all town funds and activities for the ensuing fiscal year, and at a minimum be consistent in form and content with the Municipal Budget Law contained in Tennessee Code Annotated, Title 6, Chapter 56, Part 2. It shall also be consistent in form and content with the requirements of the town manager and of the board of mayor and aldermen.

Section 5. Amendments to budget; when budget adopted; effect of adoption. The board of mayor and aldermen shall adopt the budget by ordinance, and may amend it in the same manner. The budget shall be adopted for the ensuing fiscal year before the end of the current fiscal year. Adoption of the budget shall constitute appropriations of the amounts specified therein as expenditures from the funds indicated. The board shall also adopt an ordinance establishing a property tax levy.

Section 6. Supplemental appropriations. If during the fiscal year the town manager certifies that there are available for appropriations revenues in excess of those estimated in the

budget, the board of mayor and aldermen may make supplemental appropriations for the year up to the amount of such excess.

Section 7. Deficits. If at any time during the fiscal year it appears probable to the town manager that the revenues available will be insufficient to meet the amount appropriated, the town manager shall report to the board without delay, indicating the estimated amount of the deficit, any remedial action taken by him and his recommendations as to any other steps to be taken. The board shall then take such further action it deems necessary to prevent or minimize any deficit, and for that purpose it may by ordinance reduce appropriations.

Section 8. Transfer of unencumbered appropriations. At any time during the fiscal year the town manager may transfer all or part of any unencumbered appropriations balance among programs within a department, office or agency and, upon written request by the town manager, the board of mayor and aldermen may by ordinance transfer all or part of any unencumbered appropriation balance from one department, office, or agency to another.

Section 9. Lapsing of appropriations. Every appropriation shall lapse at the end of the fiscal year to the extent that it has not been expended or encumbered.

ARTICLE XIII

TOWN DEPARTMENTS GENERALLY

Section 1. Board to regulate departments. The board of mayor and aldermen shall prescribe the duties and functions of all departments, except as prescribed by this charter, and may create new departments, combine or abolish existing departments, or establish temporary departments for special work.

Section 2. Town manager to supervise departments. The town manager shall supervise and control all departments now or hereafter created except as otherwise provided by this charter.

ARTICLE XIV

POLICE FORCE

Section 1. Appointment. The chief of police shall be appointed by the board of mayor and aldermen. The town manager shall appoint such patrolmen and other members of the police force as may be provided by ordinance.

Section 2. Duties of police. It is the duty of the chief of police and the members of the police force to preserve order in the town, protect the inhabitants and property owners therein from violence, crime and all criminal acts, prevent the commission of crime, violations of the law and city ordinances, and perform a general police duty; execute and return all processes, notices and orders of the town court, mayor, town manager, town attorney and recorder, and all other process, notices and orders as in this charter or by ordinance may be provided.

Section 3. Duties as to prosecution of cases. Members of the police force, whenever necessary for the purpose of enforcing the ordinances of the town, shall procure the issuance of warrants, serve the same and appear in the town court as prosecutors, relieving complaining citizens, insofar as practicable, of the burden of instituting cases involving the violation of town ordinances. Provided, however, this shall not be construed to relieve any person from the duty of appearing in city court and testifying in any case.

ARTICLE XV

FIRE DEPARTMENT

Section 1. Appointment of members. The town manager shall appoint a chief of the fire department and such other members of the fire department as may be provided by ordinance.

Section 2. General duties. It is the duty of the chief of the fire department and the members thereof to take all proper steps for fire prevention and suppression.

Section 3. Emergency powers of the fire chief. The chief of the fire department or any assistant of the chief in charge at a fire, shall have the same police powers at the fire as the chief of police, under such regulations as may be prescribed by ordinance.

ARTICLE XVI

MISCELLANEOUS

Section 1. New town successor to old town's obligations. etc. The town of Bluff City under this new charter shall be considered a continuation of the town of Bluff City as it was incorporated under Chapter 496 of the Private Acts of 1929, as amended. All obligations, including bonds, notes, accounts, which the town of Bluff City now has outstanding, or which it owes to any person, firm or corporation, shall be assumed and paid by the town of Bluff City as incorporated under this act. The town of Bluff City shall also succeed to the ownership of all property and all rights and obligations owed to the town as it was incorporated under Chapter 496, Private Acts of Tennessee for 1929, as amended.

Section 2. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

Section 3. This act shall have no effect unless it is approved by a majority of the number of qualified voters of the town of Bluff City voting in an election on the question of whether or not the act should be approved. The ballots used in the regular election to be held on August 1, 1996 shall have printed on them the substance of this act and the voters shall vote for or against its approval. The votes cast on the question shall be canvassed and the results proclaimed by the county election commissioners and certified by them to the secretary of state as provided by law in the case of general elections. The qualifications of voters voting on the question shall be the same as those required for participation in general elections. All laws applicable to general elections shall apply to the determination of the approval or rejection of this act.

SECTION 4. For the purpose of approving or rejecting the provisions of this act, as provided in Section 3, it shall be effective upon becoming a law, the public welfare requiring it, but the provisions of the act shall be effective only upon being approved as provided in Section 3.

AN ACT to repeal Chapter 496 of the Private Acts of 1929; as amended by Chapter 392 of the Private Acts of 1931; Chapter 407 of the Private Acts of 1933; Chapter 55 of the Private Acts of 1949; Chapter 245 of the Private Acts of 1980 and Chapter 153 of the Private Acts of 1983, and any other acts amendatory thereto, being the charter of the town of Bluff City, and to enact a new charter for the town of Bluff City.

AN ACT to repeal Chapter 496 of the Private Acts of 1929; as amended by Chapter 392 of the Private Acts of 1931; Chapter 407 of the Private Acts of 1933; Chapter 55 of the Private Acts of 1949; Chapter 245 of the Private Acts of 1980 and Chapter 153 of the Private Acts of 1983, and any other acts amendatory thereto, being the charter of the town of Bluff City, and to enact a new charter for the town of Bluff City.

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